

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1. This sheet replaces the original sheet including Fig. 1. In Fig. 1, the phrase “Build ? Based on known info and save requested” has been amended to “Build & transmit questions based on known info & save user data”.

Attachment: Replacement Sheet

REMARKS

This application has been reviewed in light of the Office Action dated July 6, 2006. Claims 1-13 are presented for examination, of which Claims 1 and 13 are in independent form. Claims 1, 4-9, and 13 have been amended to define Applicants' invention more clearly. Favorable reconsideration is requested.

At paragraph 2 of the Office Action, the oath or declaration was objected. Submitted herewith is a newly executed Combined Declaration and Power of Attorney for Patent Application. Accordingly, withdrawal of the objection to the oath or declaration is respectfully requested.

At paragraph 3 of the Office Action, the drawings were objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because they include several reference characters which are not mentioned in the description.

First, the Examiner stated that reference character **110 Action Services** in Fig. 1 is not mentioned in the specification. Paragraph [0027] of the specification has been amended to specifically reference this reference character. No new matter has been added.

Second, the Examiner stated that the "Self Servicing" feature of Fig. 1 is not mentioned in the specification. Paragraph [0032] of the specification has been amended to specifically reference this feature. No new matter has been added.

Third, the Examiner stated that "R Queries" in Fig. 2 is not mentioned in the specification. Paragraph [0033] of the specification has been amended to specifically reference this feature. No new matter has been added.

At paragraph 4 of the Office Action, the Examiner further objected to Fig. 1

for an informality. The Examiner stated that in Fig. 1, the communication line labeled “Build? Based on known info and save requested” does not clearly state what is communicated from the ownership component 104 to the registration component 102. Submitted herewith is a replacement sheet including Fig. 1, in which the above-mentioned portion of Fig. 1 has been amended to recite “Build & transmit questions based on known info & save user data”. No new matter has been added.

The Examiner also stated that in Fig. 2, “R QUERIES” does not clearly indicate what type of queries are being generated in step 208. As noted above, paragraph [0033] has been amended to specifically reference and clarify this feature. As explained in paragraph [0033], the queries are, for example, specific questions to be asked of a user attempting to obtain a user ID. For example, the user can be asked questions of his profile (see, e.g., paragraph [0034] of the specification).

For all of the foregoing reasons, it is believed that the objection to the drawings has been obviated, and its withdrawal is therefore respectfully requested.

At paragraph 6 of the Office Action, the specification was objected to in view of the objection made to the drawings. Since it is believed that the objection to the drawings has been remedied, it is respectfully requested that the objection to the specification also be withdrawn.

At paragraph 7 of the Office Action, Claims 4, 7, and 13 were objected to for various informalities. Claims 4, 7, and 13 have been amended as kindly suggested by the Examiner, and, therefore, withdrawal of this objection is respectfully requested.

At paragraphs 8 and 9 of the Office Action, Claims 1, 6, 7, 9, and 13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Applicants have carefully reviewed and amended Claims 1, 6, 9, and 13, as deemed necessary, to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised in paragraph 9 of the Office Action.

With regard to Claim 7, it is noted that the recitation of “the ownership” finds antecedent basis in Claim 1 and, therefore, Claim 7 has not been amended in this regard.

With regard to Claims 6 and 9, these claims have been clarified to recite assigning a positive weight for a correct answer and assigning a negative weight for an incorrect answer. See, for example, paragraph [0034] of the present specification.¹

It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

Claims 1 and 13 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

Regarding Claim 1, first, the Examiner states (at page 8 of the Office Action) that Claim 1 needs to be amended to recite a tangible result for the system. Applicants respectfully traverse this rejection.

To meet the requirements of 35 U.S.C. § 101, “[t]he claimed invention as a whole must accomplish a practical application. That is, it must produce a ‘useful, concrete, and tangible result’”. MPEP § 2106(II)(A) (quoting *State Street Bank & Trust v. Signature Financial Group, Inc.*, 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601 (Fed. Cir. 1998)).

¹ It is of course to be understood that the references to various portions of the present application are by way of illustration and example only, and that the claims are not limited by the details shown in the portions referred to.

As the Examiner concedes at page 7 of the Office Action, each component of Claim 1 facilitates a function which produces a result. For example, the registration component is configured to facilitate gathering of information from users and establishing a relationship between a user and an identity. It is submitted that the claimed system is statutory because the system produces a “useful, concrete and tangible result” in facilitating management of user identities.

Second, the Examiner states at page 9 of the Office Action that “Claim 1 needs to be amended to clearly identify the ‘components’ of the claim as either ‘hardware components’, or to provide a relation for the ‘components’ with appropriate hardware (components stored on hardware, i.e., a storage medium readable by a machine)...”.

This rejection is traversed as well. A system or apparatus and is statutory by definition, since it falls within at least one of the four enumerated categories of patentable subject matter recited in Section 101 (i.e., process, machine, manufacture, or composition of matter), and does not fall within a Section 101 judicial exception (abstract ideas (such as mathematical algorithms), natural phenomena, and laws of nature). MPEP § 2106.IV.

Regarding Claim 13, the Office Action states at page 9 that the determination of a usage history recited in Claim 13 “is simply a calculation (e.g. a numerical computation), and, therefore, is considered non-statutory”. The Office Action further states that the “‘determining’ is not communicated to the user, nor is an indication of such determination (calculation) stored in memory.”

This rejection is traversed as well. First, as the court stated in *AT & T Corp. v. Excel Communications Inc.*, “...[T]he focus is understood to be not whether there is a

mathematical algorithm at work, but on whether the algorithm-containing invention as a whole produces a tangible, useful, result.” *AT & T Cor. V. Excel Communications Inc.*, 172 F.3d 1352, 1361, 50 USPQ2d 1447, 1454 (Fed. Circ. 1999). The usage history determined in Claim 13 is a “useful, concrete and tangible result” in that it facilitates the maintenance of relationships between a user identity and an account related to the user identity, and can be, for example, stored, transmitted, or otherwise used for further processing (among others).

For all of the above reasons, it is respectfully requested that the rejection of Claims 1 and 13 under 35 U.S.C. § 101 be withdrawn.

Claim 13 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. US 2005/0021476 A1 (*Candella*). Claims 1-5, 7, 8, and 10-12 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent Application Publication No. US 2003/0120593 A1 (*Bansal*) in view of U.S. Patent Application Publication No. US 2004/0225632 A1 (*Benson*); and Claims 6 and 9, as being obvious from *Bansal* and *Benson* in view of *Candella*.

Claim 13 is directed to a method for facilitating the maintenance of relationships between a user identity and an account related to the user identity. The method includes assigning a positive weight for a transaction that is deemed a successful confirmation of the relationships between the user identity and the account, and assigning a negative weight for a transaction that is deemed an unsuccessful confirmation of the relationships between the user identity and the account. The method also includes aggregating the positive and negative weights to determine a usage history of a user identity.

By virtue of the features of Claim 13, the method can maintain accurate management of identities by monitoring the relationships between a user identity and an account related to the user identity. As explained in the present specification, a set of relationships between a user identity and an account related to the user identity can deteriorate over time, for a number of reasons. For example, such can deteriorate due to account expiration, account re-issuance (e.g., due to a stolen credit card), change in marital status, change in address, and the like.

Notably, the method of Claim 13 includes assigning a positive weight for a transaction that is deemed a successful confirmation of the relationships between the user identity and the account, and assigning a negative weight for a transaction that is deemed an unsuccessful confirmation of the relationships between the user identity and the account. Further, the positive and negative weights are aggregated to determine a usage history of a user identity.

Accordingly, by virtue of the features of Claim 13, the method can utilize a mathematical weighting function that assigns values to specific interactions that are captured. Interactions that serve to confirm the identity of the user are assigned positive weights. Examples of these types of interactions include the payment of balances, the receipt of merchandise, and similar transactions which are unlikely to have been performed by an authorized user. Interactions that serve to undermine the identity of the user are assigned negative weights. Examples of such interactions include non-payment of bills, requests to receive merchandise at alternate locations, or failed attempts to enter in a user id/password, or biometric information.

Candella, as understood by Applicants, relates to detecting identity theft in non-personal and personal transactions. The system includes receiving identity data including an address. The address is then compared to an external address database to determine whether the address is potentially fraudulent. At least one database is queried for available incidental data associated with the address. A user is asked a question based upon the incidental data retrieved from the database. (See paragraph 0011 of *Candella*.)

A typical transaction begins with the purchaser 20 (see Figs. 2A and 2B) being asked (by a live clerk or an automated system) to provide identification information 22, such as their name, home address and home phone number, etc. The identification data 22 may be entered by the purchaser himself, or by a clerk, into an Identity Detection System (IDS) 23. (See paragraph 0029 of *Candella*.)

The IDS 23 then proceeds through a series of detailed risk scoring steps 24, 26, 28, 29, 30, 31 to determine the probability that the purchaser is using another purchaser's identity in a fraudulent manner. This "probability" is calculated through an algorithm housed in a subsystem of the IDS called the increment scoring engine 27. (See paragraph 0030 of *Candella*.)

The first step in the incremental scoring process is checking for the legitimacy of the purchaser's home address (see paragraph 0034 of *Candella*). The next step in the process is the comparison of the purchaser's home address with the home phone number (see paragraph 0038). The system may also ask "personal environment questions" of the purchaser (see, e.g., paragraph 0043 et seq.).

Therefore, at most, *Candella* discusses a so-called "incremental scoring engine 27" which operates based on responses or answers given by a purchaser to specific

questions asked of the purchaser, for example, address information supplied by the purchaser in response to a query, or a purchaser's responses to personal environment questions. Nothing has been found in *Candella* that would teach or suggest assigning a positive weight for a transaction that is deemed a successful confirmation of the relationships between the user identity and the account, and assigning a negative weight for a transaction that is deemed an unsuccessful confirmation of the relationships between the user identity and the account, as recited in Claim 13. The incremental scoring engine 27 of *Candella* does not take into account transaction information.

Accordingly, Claim 13 is seen to be clearly allowable over *Candella*.

Claim 1 is directed to a computing system for facilitating management of user identities, including a registration component, an ownership component, an audit component, and a servicing component. The registration component is configured to facilitate gathering information from users and establishing a relationship between a user and an identity. The ownership component is configured to facilitate verification of ownership of an account and to facilitate relating the ownership to the identity. The audit component is configured to periodically facilitate monitoring the account and the identity to verify the integrity of the relationship, including determining a usage history of the identity based on at least one transaction deemed a successful or unsuccessful confirmation of the relationship between the identity and an account. The servicing component is configured to facilitate maintaining and modifying information relating to the identity.

One notable feature of Claim 1 is determining a usage history of the identity based on at least one transaction deemed a successful or unsuccessful confirmation of the relationship between the identity and an account.

Bansal, as understood by Applicants, relates to a system for facilitating handling of credit card transactions, including delivering multiple services electronically to customers via a centralized portal architecture.

Paragraphs 0097-0100 of *Bansal*, cited in the Office Action, discuss audit trail and logging, including creating central audit logs containing transaction data which would normally be spread across several architectural components, applications, or services.

Paragraph 0240 of *Bansal*, cited in the Office Action, discusses a membership system that determines whether a space is a public or private space, and registers and authenticates users accordingly.

Paragraph 0527 of *Bansal*, cited in the Office Action, discusses session tracking, i.e., passing data generated from one request onward, so it can be associated with data generated from subsequent requests. The application server stores all the data related to the user session so that it can be retrieved at any late time.

Nothing is seen in *Bansal* that would teach or suggest an audit component configured to periodically facilitate monitoring an account and an identity to verify the integrity of the relationship, including determining a usage history of the identity based on at least one transaction deemed a successful or unsuccessful confirmation of the relationship between the identity and account, as recited in Claim 1. Even if the audit logs of *Bansal* may include transaction data, this data is not used for auditing purposes or for verifying the integrity of the relationship between an account and an identity; rather, the transaction data in *Bansal* is used for retrieval purposes -- for example, to determine the cause of a mishandled transaction (see paragraph 0099 of *Bansal*). Moreover, the so-called

“session tracking” of *Bansal* (see paragraph 0527) is used merely for retrieval purposes as well.

While *Bansal* may discuss general user authentication (e.g., in paragraph 00240), nothing in that patent would teach or suggest determining a usage history of an identity based on at least one transaction deemed a successful or unsuccessful confirmation of the relationship between the identity and an account, as recited in Claim 1.

Benson, as understood by Applicants, relates to automated information management and related methods, and, even if deemed to be a permissible combination with *Bansal*, would not supply what is missing from *Bansal*.

Accordingly, Claim 1 is seen to be clearly allowable over *Bansal* and *Benson*, whether considered separately or in any permissible combination (if any).

The other rejected claims in this application depend from Claim 1 discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. DiPerna', written over a horizontal line.

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